

UNITED STATES DISTRICT COURT  
for the

Western District of North Carolina

United States of America )

v. )

Charles Edward O'Neil )

Case No: 5:00CR47-5

USM No: 16380-058

Date of Previous Judgment: 11/15/01 )

Steven T. Meier

(Use Date of Last Amended Judgment if Applicable)

) Defendant's Attorney

**Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of \_\_\_\_\_ months **is reduced to** \_\_\_\_\_.

**I. COURT DETERMINATION OF GUIDELINE RANGE** (Prior to Any Departures)

Previous Offense Level: \_\_\_\_\_

Amended Offense Level: \_\_\_\_\_

Criminal History Category: \_\_\_\_\_

Criminal History Category: \_\_\_\_\_

Previous Guideline Range: \_\_\_\_\_ to \_\_\_\_\_ months

Amended Guideline Range: \_\_\_\_\_ to \_\_\_\_\_ months

**II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE**

- ☐ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☒ Other (explain): Since the defendant was only held responsible for cocaine powder, he is not eligible for a sentence reduction.

**III. ADDITIONAL COMMENTS**

This Judgment is being reissued for purposes of allowing Defendant O'Neil to pursue his direct appeal of the Court's decision denying relief pursuant to Amendment 706 due to ineligibility. (See Document #608.)

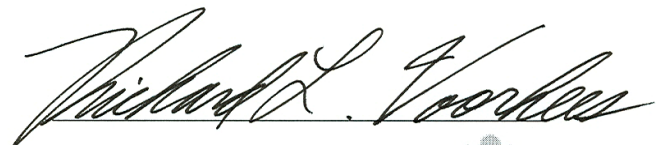
Except as provided above, all provisions of the judgment dated 11/15/01 shall remain in effect.

**IT IS SO ORDERED.**

Order Date: December 6, 2010

Effective Date: March 4, 2010

(if different from order date)



Richard L. Voorhees  
United States District Judge

